

REGULAR MEETING
January 26, 2010

City of Newburgh Zoning Board of Appeals

Summary of Record of Actions Taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on January 26, 2010 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Joanne Lugo
Victor Mirabelli
Mirta Rivas
Barbara Smith

Also Present: Michelle Kelson, Corporation Counsel
Michelle Mills, Secretary to the Board

Motion Made to Approve Minutes of December 22, 2009 Meetings

Motion Made: Victor Mirabelli

Motion Second: Mirta Rivas

Motion Carried: Unanimous

New Business:

1. Appeal No. 2010-01
Location: 115 Renwick Street
Applicant/Owner: Carl Ponesse

Requesting a USE Variance to convert a two family dwelling into a three family dwelling and an AREA Variance for 5 feet on front yard setback and 3 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in an R2 Zone.

Recusal of Joanne Lugo resulted in no quorum for the Board. Item tabled.

2. Appeal No. 2010-02
Location: 302 North Water Street
Applicant/Owner: Statistical Analysis Inc.

Requesting a USE Variance to permit the redevelopment of the existing Regal Bag property for mixed residential uses consisting of 55 adaptive re-use residential units in the Regal Bag factory building, 48 waterfront townhouses, 48 units in two multi-family buildings and 14 town houses along Martin Luther King, Jr. Boulevard; an Area Variance for 7 feet on townhouse lot width, 58 feet on townhouse lot depth, 3 feet on townhouse front yard setback, 20 feet on townhouse with no shared wall side yard setback, 20 feet on townhouse rear yard setback, 5 feet or .5 story on townhouse height and 25 feet or 2.5 stories on apartment building height; 121 parking spaces, which do not meet the requirements of the Schedule of Use and Bulk Regulations in a W1 Zone and a variance for required road frontage under Section 300-11(E) of the Zoning Code.

William Kaplan appeared before the Board and provided a description of the historical use of the main building on the property before and after his ownership. He advised that the building is 160 years old and had been used as a cotton mill, a lawnmower manufacturer and a handbag company. The building had been built before the railroad was constructed. He gave a summation of his business tenure and how he employed more than 300 people at one time. He believed the property was in a residential zone.

He advised that he became involved with Leyland Alliance with original plans to develop the main building and adjacent property for residential use. Due to the market and the amount of work required on the main building, the plans changed. The current plan is to start on the south end side of the property to bring in infrastructure and utilities, construct several condos/townhouses, and use the proceeds from the sale of same to finance continued construction. He advised that the estimated total construction costs to be approximately \$50 million dollars. He also stated that no public money would be used to finance the project. He believes the project will provide jobs to City residents, will generate approximately \$15 million in area income and will increase the City's tax base by \$2 million dollars.

Mr. Kaplan told the Board that he was unable to rent the property for commercial use for a reasonable profit. He explained that his annual carrying costs of the property exceed \$200,000 per year and that his taxes continue to increase. His expenses to date on this project are over \$200,000 and he has retained lawyers and engineers in addition to the developers. He advised of his intention to provide more detailed plans to the Planning Board as necessary.

The Board had several questions about the project which included when the main building would be renovated, if the project would be done in phases, if any commercial business would be involved and if adequate parking would be available. Responses from Mr. Kaplan and his attorney Larry Wolinski included that development of the main property would depend on market stability, the project would be done in 2 or 3 phases, no commercial businesses would be in the main building and that parking will meet required standards. Michelle Kelson explained the approved uses in a W1 zone and the reason for the requested variances. She also advised that variances could not be granted in phases according to SEQRA.

At this time the Chairperson opened the public hearing by reading the text of the notice.

The following people spoke in favor of the applicant:

James Sarvis: Lifelong resident of area approves of project.

Chris Columbo: Would be a sin not to grant approval.

Bill Extner: Overjoyed with project.

Ray Yannone: Spectacular property, fantastic project.

Richard Polich: Difficult for commercial use, project deserves approval.

Jeff Wallace: Has questions about zoning, hooray for project.

KiKi Hayden: Exactly what City needs.

Melania Fontenez: Undecided on project concerned about project height and river view.

No one spoke in opposition to the applicant.

Victor Mirabelli announced that with respect to the absent Board members and the substantial size of the project he motioned for the public hearing to remain open and to table the item for one month.

Motion second: Mirta Rivas

Roll Call Vote: Unanimous

Motion Carried: Unanimous

OTHER:

The next meeting of the Newburgh Zoning Board of Appeal will be held on February 26, 2010.

Meeting Adjourned 8:45 p.m.

Respectfully Submitted:

Approved:

Michelle M. Mills, Secretary

Joanne Lugo, Chairperson